

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID SHAUN NEAL and CATHY CHAN,

Plaintiffs,

-against-

18 SUSAN CT LLC and MICHAEL
FERNANDES,

Defendants.

ORDER

25-CV-00703-PMH

PHILIP M. HALPERN, United States District Judge:

Plaintiffs commenced this action on January 23, 2025 against 18 Susan CT LLC and Michael Fernandes (Doc. 1) and on March 18, 2025, Plaintiffs secured a Clerk’s Certificate of Default as to Defendants. (Doc. 16). On March 31, 2025, Defendant Fernandes filed a notice of *pro se* appearance on his own behalf (Doc. 21) and what purports to be his notice of appearance on behalf of Defendant 18 Susan CT LLC. (Doc. 22). An Answer by Defendant 18 Susan CT LLC “by its managing member, Michael Fernandes” was also docketed. (Doc. 23).

To the extent these filings are a request by Mr. Fernandes to proceed *pro se* on behalf of defendant 18 Susan CT LLC, that request is DENIED. To the extent these filings are a request to vacate the Certificate of Default entered against Defendants, that request is likewise DENIED. With respect Defendant Fernandes, he has not filed any answer to the Complaint on his own behalf. With respect to Defendant 18 Susan CT LLC, it is axiomatic that a corporation, which is an artificial entity, may only appear in federal court through a licensed attorney; a corporation may not appear *pro se*. *See* 28 U.S.C. § 1654; *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 202 (1993); *Jones v. Niagara Frontier Transp. Authority*, 722 F.2d 20, 22–23 (2d Cir. 1983); *see also Grace v. Bank Leumi Trust Co. of NY*, 443 F.3d 180, 192 (2d Cir. 2006) (“[T]his rule has been applied to dismiss any action or motion filed by a corporation

purporting to act *pro se* [A]nd . . . where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it pursuant to Rule 55, Fed. R. Civ. P.”).

Plaintiffs have indicated they intend to move for default judgment as to liability against Defendants. (Doc. 18, Doc. 20). Plaintiffs shall, May 2, 2025, strictly comply with this Court’s Individual Practices Rule 4(B) for obtaining a default judgment against Defendants.

Dated: White Plains, New York
April 2, 2025

SO ORDERED:



Philip M. Halpern
United States District Judge